

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA	§	
	§	
V.	§	Cause No. P-19-CR-774 (1)
	§	
THOMAS ALAN ARTHUR	§	

ORDER OF DETENTION PENDING TRIAL
(risk of flight and danger to community)

The Government moved to detain the Defendant on the basis of Title 18, U.S.C. § 3142. In accordance with the Bail Reform Act, 18, U.S.C. § 3142 (f), a detention hearing has been held. I conclude that detention of the Defendant is required pending trial in this case for the following reason(s):

- 1) The evidence and punishment range against the Defendant are substantial. On November 14, 2019, a federal Grand Jury returned a seven-count Indictment against the Defendant for obscene visual representation of the sexual abuse of children, importation or transportation of obscene matters, and engaging in the business of selling or transferring obscene matter. If convicted, the Defendant's statutory penalty range for Count One is 5 – 40 years imprisonment, 5 years to life supervised release, a fine not to exceed \$250,000.00, and a mandatory special assessment of \$100.00. If convicted, the Defendant's statutory penalty range for each of Counts Two through Seven is up to 5 years imprisonment, a maximum 1 year supervised release, a fine not to exceed \$250,000.00, and a mandatory special assessment of \$100.00.
- 2) The Court took judicial notice of the Complaint, Affidavit in support of the Complaint, Indictment and the Pretrial Services Report. Agent Jeremy Ewen with the Federal Bureau of Investigations testified concerning the facts of the case.
- 3) The Defendant had over 50 firearms in his home. The Defendant has been dealing in the sale of firearms and ammunition, and the Defendant's advertisement specifically claimed his ammunition to be armor piercing ammunition.
- 4) The Defendant's criminal history is attached to this Order.

The Court finds there is no condition or combination of conditions which would reasonably assure the appearance of the Defendant as required and the safety of the community, taking into account all the available information presented to the Court. There is clear and convincing evidence that the Defendant is a danger to the community as well as a preponderance of evidence which indicates that the Defendant is a flight risk. Therefore, the Defendant is **DETAINED**.

DIRECTIONS REGARDING DETENTION

In light of the findings and reasons set forth above, it is **ORDERED** that:

- 1) The Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal during the time he awaits trial;
- 2) The Defendant be afforded opportunity for private consultation with his counsel during this period in detention;
- 3) The facility where the Defendant will be placed shall make the Defendant available to the United States Marshals Service for any appearance in connection with a Court proceeding in this matter; and,
- 4) In the event of an appeal of this detention order, the Pretrial Services' Report shall be sealed and made part of the record in this cause.

It is so **ORDERED**.

SIGNED this 20th day of November, 2019.



DAVID FANNIN
United States Magistrate Judge

PS3 (12/05-Rev. for PACTS 6/11)

Thomas Alan Arthur, / 0542 4:19-03030M-001

PRIOR RECORD:

A criminal record check conducted through the National Crime Information Center (NCIC) and local records in Brewster County, TX and Shreveport, Louisiana revealed the following arrest history:

<u>Date of Arrest</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
02/15/1974 (Age 17)	Austin PD; TX	Larceny Petty	Convicted, fine
01/23/1975 (Age 18)	Sheriff's Office; LA	Possession of Sawed-off Shotgun	No record
10/06/1978 (Age 22)	Shreveport, LA; Case No.: 78-20109-01	Unlawful Entry in Possession of Marijuana on Barksdale Air Force Base	11/16/1978: Convicted, 18 months probation, \$50 fine